

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

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AUG 16 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Amendment of Section 73.202(b))	MM Docket No. 99-_____
Table of Allotments)	RM-_____
FM Broadcast Station)	
(Metropolis, Illinois and)	
Paducah, Kentucky))	

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

PETITION FOR RULE MAKING

Sun Media, Inc. ("Sun Media"), permittee of FM broadcast station WRIK-FM, Metropolis, Illinois,¹ by its attorneys, and pursuant to Sections 1.401(a), 1.420(i) and 73.202(b) of the Commission's Rules and Regulations, hereby petitions the Commission to amend its FM Table of Allotments, Section 73.202(b) of the Commission's Rules, by reallocating Channel 252C1 from Metropolis, Illinois to Paducah, Kentucky and modify WRIK-FM's construction permit to specify Paducah as the station's community of license.

¹Station WRIK-FM is currently licensed as a Class A station on Channel 252 in Metropolis, Illinois. However, the station has been issued a construction permit to upgrade to Class C1 facilities, see FCC File No. BPH-930205ID, as modified, as extended by BMPH-981228JB, and on July 21, 1999, Sun Media filed with the FCC an application on FCC Form 302-FM for a license to cover the outstanding construction permit.

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I. PRELIMINARY STATEMENT

Under Section 1.401 of the Commission's Rules, any interested party may petition the Commission to amend its rules or regulations. 47 C.F.R. § 1.401(a) (1997). By filing this Petition, Sun Media is requesting the Commission to amend its FM Table of Allotments with respect to the communities of Metropolis and Paducah. 47 C.F.R. § 73.202(b) (1997). As shown below, because this proposal would result in a preferential new arrangement of allotments under the Commission's own guidelines, the public interest will be served by amending the FM Table of Allotments as requested herein and by modifying the construction permit for WRIK-FM accordingly.

II. ARGUMENT

A. Sun Media's Proposal Is Not Subject to Any Competing Expressions of Interest

This Petition is being filed pursuant to Section 1.420(i) of the Commission's Rules, which allows the FCC to modify a station's authorization to specify a new community of license without affording other interested parties an opportunity to file competing expressions of interest, where, as here, the proposed allotment is mutually exclusive with the station's present assignment. See Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870 (1989), recon. granted in part, 5 FCC Rcd 7094 (1990) ("Modification Report and Order"). The requested reallocation of Channel 252C1 to Paducah and the proposed modification of WRIK-FM's construction permit are mutually exclusive with WRIK-FM existing permit. Accordingly, the Commission may reallocate Channel 252C1 without granting an opportunity to other parties to file competing expressions of interest.

B. Sun Media's Proposal Meets the FCC's Separation Requirements

Sun Media's proposal is acceptable as it meets the Commission's minimum spacing requirements. This petition does not propose a transmitter site relocation, and, as shown in the Engineering Exhibit attached hereto as Exhibit A, WRIK-FM provides full city-grade coverage to Paducah from its current transmitter site. Because the public interest will be served by allowing WRIK-FM to serve Paducah, the Commission should adopt Sun Media's reallocation request.

C. Sun Media's Proposal Meets the FCC's Prerequisites and FM Allotment Priorities

The Commission has set forth two prerequisites before it will approve a "city of license change" request: (1) the former community shall not be deprived of its only existing local aural transmission service; and (2) the modification will result in a "preferential arrangement of allotments" under current FM allotment priorities. Modification Report and Order, 4 FCC Rcd at 4874. The Commission's FM allotment priorities are, in descending order of importance: (1) provision for first full-time aural reception service; (2) provision for second full-time aural reception service; (3) provision for first local transmission service; and (4) provision for other public interest factors. Change of Community Report and Order, 4 FCC Rcd at 4873.

1. First Prerequisite: Reallocation of WRIK-FM Will Not Deprive Metropolis, Illinois of its Only Existing Local Aural Transmission Service

In addition to WRIK-FM, AM broadcast station WMOK(AM) and commercial FM broadcast station WREZ(FM) are also licensed to serve the community of Metropolis. Therefore, this proposed allotment satisfies the first prerequisite as Metropolis would continue to maintain an ample number of local transmission services.

2. Second Prerequisite: The Relocation of WRIK-FM to Paducah, Kentucky Constitutes a Preferential New Arrangement of Allotments Under Established Commission Priorities

a. The First Three FM Allotment Priorities -- First and Second Full-Time Aural Reception Services and First Local Transmission Service -- are not Material

This proposal would not involve either gain or loss of first full-time aural service, second full-time aural service, or first local service. Nor would adoption of this proposal result in the loss of Metropolis' second local service. Thus, the Commission's fourth allotment criteria, "other public interest matters," governs in this case.

b. The Fourth Allotment Priority, the Public Interest Factor, is Served by the Proposed Move to Paducah

When considering its fourth allotment priority, the Commission will compare the availability of reception services and relative populations of each community. See In re Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, Waelder and Yorktown, Texas, 1997 FCC Lexis 7125 (December 19, 1997).

In this regard, the community of Paducah, with a population of 27,256 persons, has a larger population than Metropolis, which has a population of only 6,734 persons. Neither Metropolis nor Paducah is located within or near any urbanized area, and both communities receive coverage from numerous radio stations during both daytime and nighttime hours. As shown in Exhibit A, both Metropolis and Paducah are well-served with both Metropolis and Paducah currently receiving city-grade coverage from eight full-time AM and FM broadcast reception services. See Winner and Wessington Springs, South Dakota, 11 FCC Rcd 6663 (1996) (holding a community will be deemed to continue to be well-served as long as there are at least five aural broadcast reception services that exist in the community). Since each community is well-served, the allotment of Channel 252C1

should be allotted to Paducah because it is the larger of the two communities. See Athens and Atlanta, Illinois, 11 FCC Rcd 3445 (1996) and Blanchard, Louisiana and Stephens, Arkansas, 8 FCC Rcd 7083 (1993).

Further, because no transmitter site relocation is proposed, adoption of the instant proposal would not result in a disruption to existing service or the loss of any broadcast reception services.

For these reasons, Sun Media's Paducah proposal would be the preferred allotment pursuant to the Commission's fourth allotment priority, and the Commission should reallocate Channel 252C1 from Metropolis, Illinois to Paducah, Kentucky and modify the license of radio station WRIK-FM accordingly.

D. Sun Media's Declaration of Intent

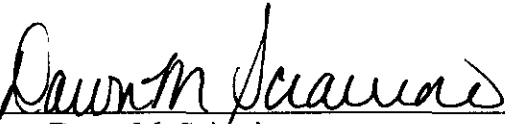
If Sun Media's proposal set forth herein is adopted, Sun Media intends to promptly file the appropriate application for Channel 252C1 at Paducah, Kentucky. Since no other change in WRIK-FM's facilities is involved in this Petition, no separate commitment regarding construction is required.

III. CONCLUSION

Based on the foregoing, Sun Media, Inc. respectfully requests the Commission to promptly initiate the Rule Making requested herein to reallocate Channel 252C1 from Metropolis, Illinois to Paducah, Kentucky and to modify the license of radio station WRIK-FM accordingly.

Respectfully submitted,

SUN MEDIA, INC.

By: 
Dawn M. Sciarrino
Its Attorney

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& ZARAGOZA L.L.P.
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Suite 400
Washington, D.C. 20006
(202) 659-3494

Dated: August 16, 1999

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Sun Media, Inc.
Petition for Rule Making
Amendment of Section 73.202(b) Table of Allotments
WRIK-FM, Metropolis, Illinois
Exhibit A

ENGINEERING EXHIBIT

Exhibit A

Technical Statement Market Analysis of Metropolis, IL & Paducah, KY City-Grade Station Count

August 12, 1999

This Technical Statement is prepared on behalf of Sun Media, Inc., Licensee of WRIK, Metropolis, IL., in support of a Rule Making request to the Federal Communications Commission to reallocate Channel 252C1 from Metropolis, Illinois to Paducah, Kentucky.

Using standard FCC predicted signal strength calculations for FM (FCC F(50,50)) curves and FCC Figure M3 for AM, the following is a tabulation of the 70 dBu (3.16 mV) predicted city-grade coverage for FM, and 5.0 mV/m predicted daytime coverage for AM, which completely encompass the cities of Metropolis and Paducah, listed by station call letters:

100% City-Grade coverage of Metropolis, IL:

WMOK (AM) Metropolis, IL
WDXR (AM) Paducah, KY
WKYX (AM) Paducah, IL
WPAD (AM) Paducah, KY
WDDJ (FM) Paducah, KY
WKYQ (FM) Paducah, KY
WREZ (FM) Metropolis, IL
WRIK (FM) Metropolis, IL (Class A Licensed facility)
WRIK (AM) Brookport, IL (Daytime only)

Total count: 9 commercial licensed AM and FM signals,
8 following the upgrade of WRIK-FM.

100% City Grade coverage of Paducah, KY:


WDDJ (FM) Paducah, KY
WKYQ (FM) Paducah, KY
WMOK (AM) Metropolis, IL
WDXR (AM) Paducah, KY
WKYX (AM) Paducah, IL
WPAD (AM) Paducah, KY
WREZ (FM) Metropolis, IL
WRIK (FM) Metropolis, IL (Proposed Class C1 facility, shown with
dashed lines, using FCC F(50,50))
WRIK (AM) Brookport, IL (Daytime only)

Total count: 9 commercial AM and FM signals (with proposed WRIK C1)

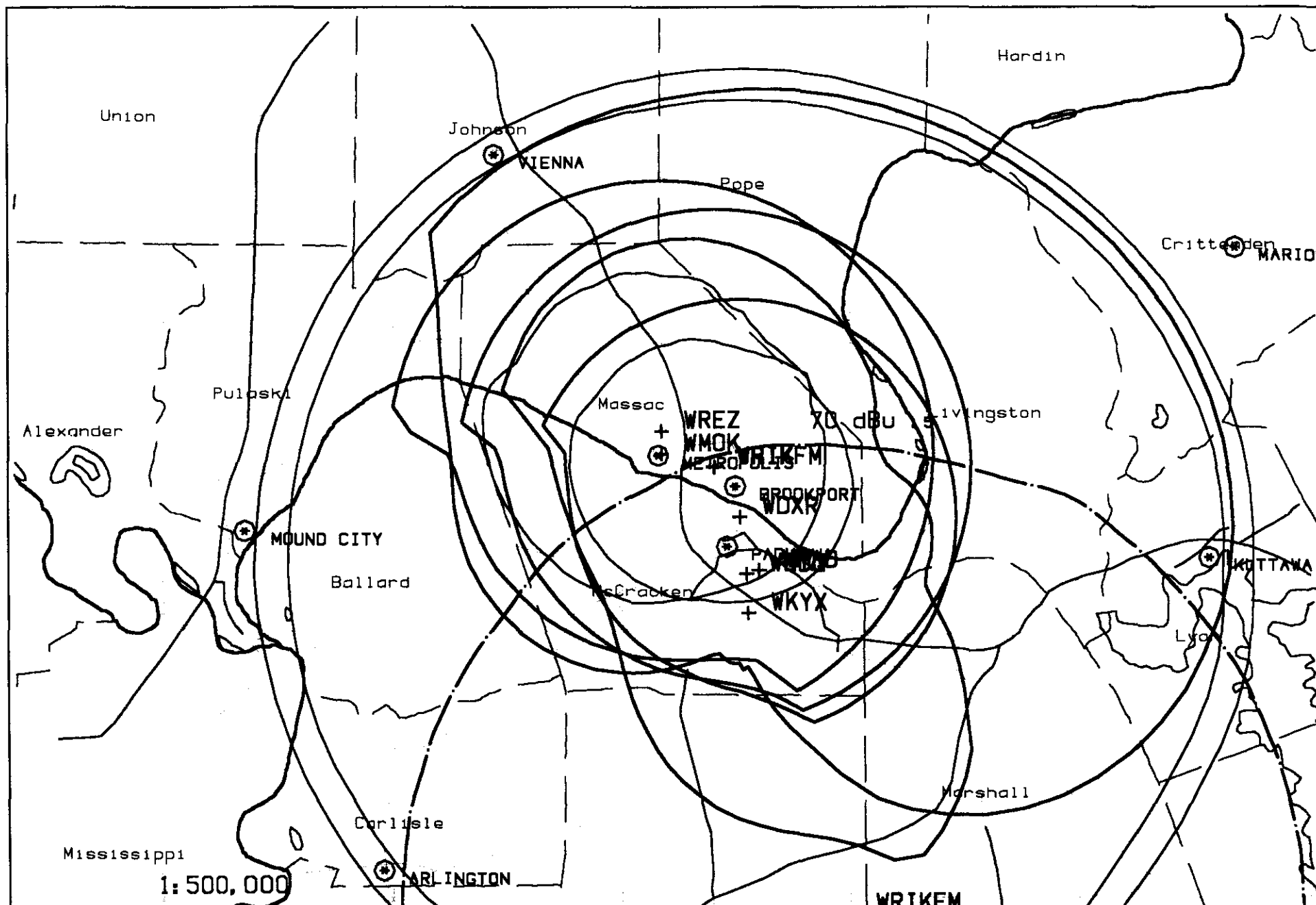
It should be noted that the WRIK C1 upgrade does continue to provide all of Metropolis with 70 dBu predicted coverage, calculated using Longley-Rice methodology, as approved by the Commission in BMPH-941019IB.

Page 3 of this report includes a composite map, which includes the ten (total) signals listed above.

Any questions regarding the above tabulation may be directed to the office of the undersigned.

A handwritten signature in cursive script, reading "George Nicholas", written over a horizontal line.

George Nicholas,
Technical Broadcast Consultant
for Sun Media, Inc.
August 12, 1999



AREA AM AND FM STATIONS WITH CITY-GRADE
COVERAGE OF METROPOLIS, IL & PADUCAH, KY

Sun Media, Inc.
Geo Nicholas - 08/99

FM Predicted Longley-Rice

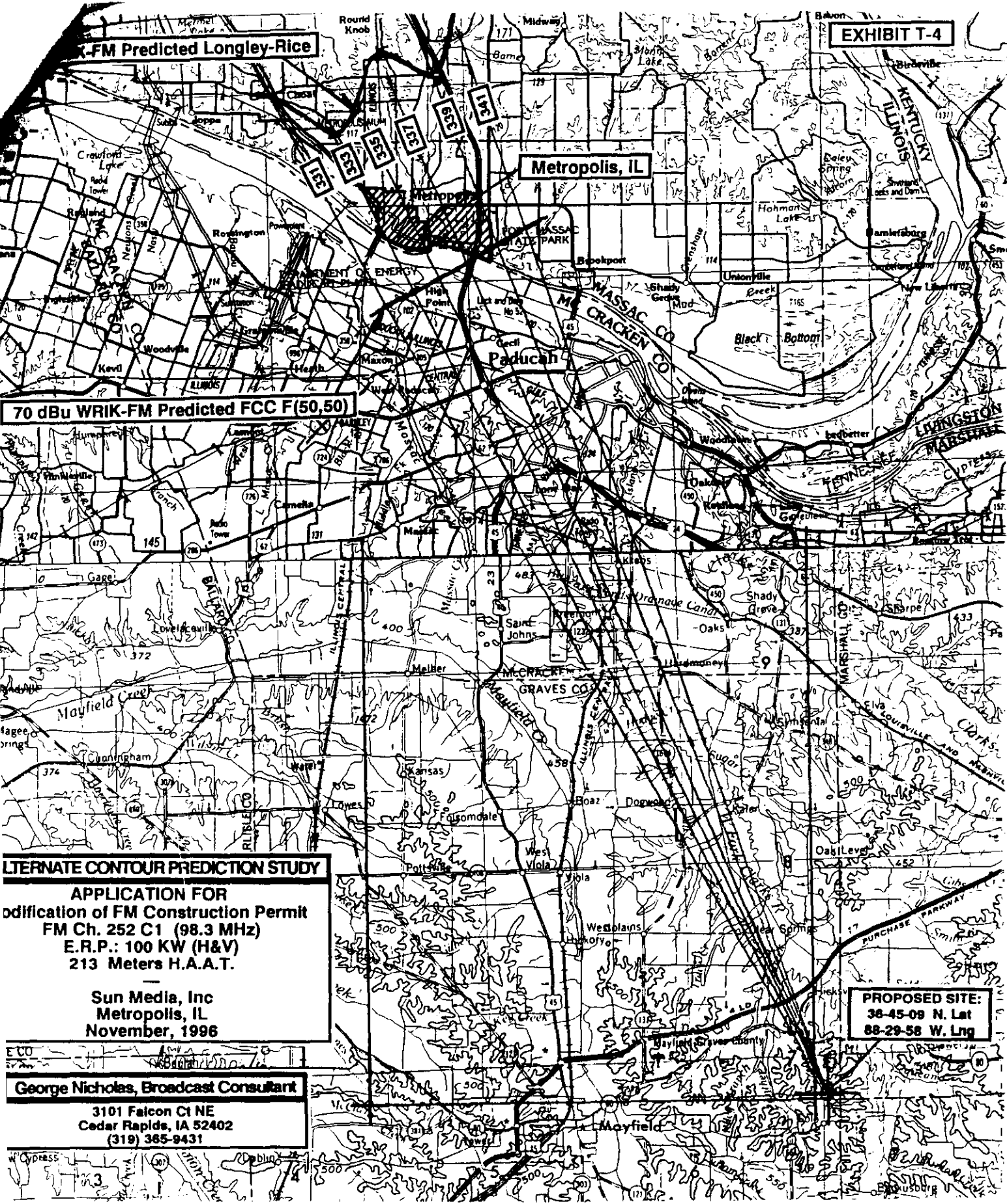
70 dBu WRIK-FM Predicted FCC F(50,50)

ALTERNATE CONTOUR PREDICTION STUDY

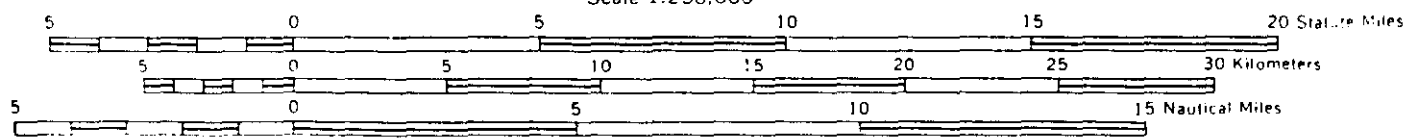
APPLICATION FOR
Modification of FM Construction Permit
FM Ch. 252 C1 (98.3 MHz)
E.R.P.: 100 KW (H&V)
213 Meters H.A.A.T.

Sun Media, Inc
Metropolis, IL
November, 1996

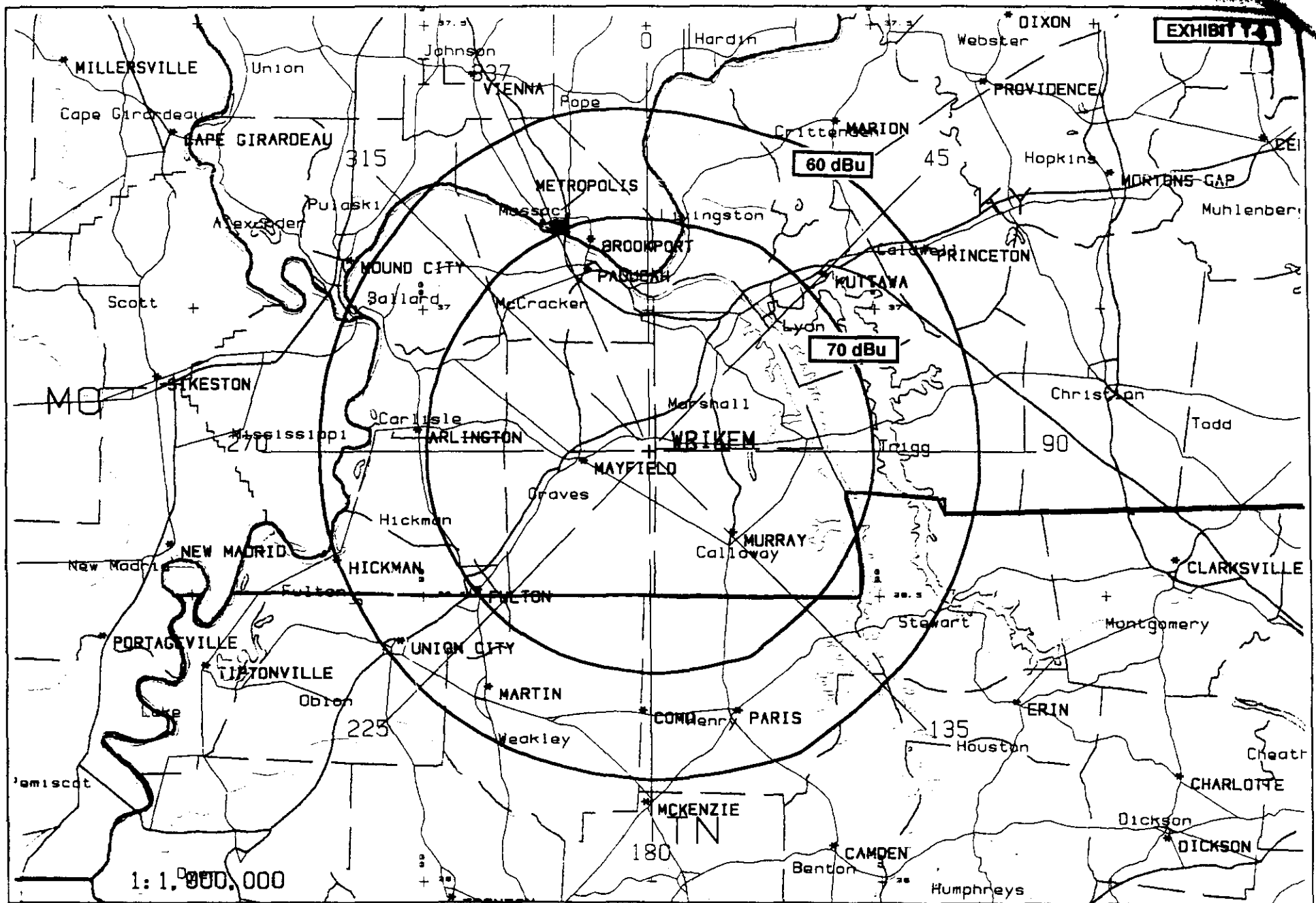
George Nicholas, Broadcast Consultant
3101 Falcon Ct NE
Cedar Rapids, IA 52402
(319) 365-9431



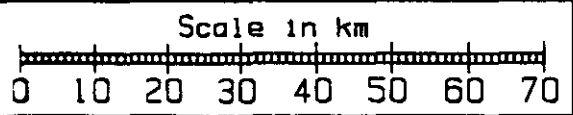
Scale 1:250,000



CONTOUR INTERVAL 100 FEET
WITH SUPPLEMENTARY CONTOURS AT 50 FOOT INTERVALS



1:1,000,000



WRIKFM 252C1 100kW 358M AMSL
N. Lat. 36 45 09 W. Lng. 88 29 58

WRIKFM - Metropolis, IL
G. Nicholas - 11/96